

AHBRA

AUBURN HILLS

BOARD OF DIRECTORS MEETING

March 21, 2023

6:00 P.M.

Auburn Hills City Hall, • Administrative Conference Room •
1827 N. Squirrel Road, Auburn Hills, MI 48326

Minutes of the AHBRA Board Meeting will be on file in the City Clerk's Office • 248-370-9402

MEETING CALLED TO ORDER

- 1) ROLL CALL
- 2) PERSONS WISHING TO BE HEARD
- 3) APPROVAL OF MINUTES
 - a) Regular Meeting Minutes – February 21, 2022
- 4) CORRESPONDENCE AND PRESENTATIONS
 - a) Presentation by Michigan Fuels for Property Located at 3681 Joslyn Road
- 5) FINANCIAL REPORT
 - a) FY 2023 Adopted Budget and YTD Summary – February 28, 2023
- 6) UNFINISHED BUSINESS
 - a) Election, Vice-Chair
- 7) NEW BUSINESS
 - a). Brownfield Plan Preparation Proposal for 3681 Joslyn Road-PF-32193
- 8) EXECUTIVE DIRECTOR UPDATES
- 9) BOARD MEMBER COMMENTS
- 10) ADJOURNMENT

Next Regular Meeting is Scheduled for April 18, 2023, at 6:00 p.m.

“Not Yet Approved”

**CITY OF AUBURN HILLS
BROWNFIELD REDEVELOPMENT AUTHORITY MEETING**

October 4, 2022

CALL TO ORDER: Chairman Slocum called the meeting to order at 6:05 p.m.

ROLL CALL: Present: Knight, Slocum, Hopper, and Schaar
Absent: Douglas
Also Present: Stephanie Carroll, Economic Development Manager
Guests: Brian Westhoff and Samantha Seimer, AKT Peerless

LOCATION: Auburn Hills City Hall, Administrative Conference Room-1827 North Squirrel Road, Auburn Hills, MI 48326

PERSONS WISHING TO BE HEARD

None.

APPROVAL OF MINUTES

Item 3a. Brownfield Redevelopment Authority Regular Meeting Minutes – October 4, 2022.

Moved by Mr. Knight to approve the October 4, 2022, minutes as presented.

Seconded by Mr. Schaar.

Yes: Knight, Hopper, Slocum and Schaar

No: None

Motion Carried

4. CORRESPONDENCE AND PRESENTATIONS

- A. Mr. Westhoff gave the board an update on the status of 3180 Auburn Road and reviewed all of the activities to date on the site. He reviewed the project from the beginning stages and talked about next steps. He reminded the Board that our approved post monitoring plan with the state required 12 months of quarterly testing. Then the State has six (6) months from that date to issue the closure letter. It was recommended that a Brownfield Plan be put in place so that once a development is ready, the authority can get reimbursement for costs over and above the approved MUSTA reimbursement for the Local Brownfield Revolving Fund (LBRF).
- B. Mr. Westhoff reviewed the third and fourth quarter Galloway Creek sampling results. Of particular interest is the petroleum results at Location C in the fourth quarter report. He noted that this information has been shared with EGLE.
- C. Ms. Carroll briefly reviewed the 2022 Annual Report with the Board. It will be placed on the website.

FINANCIAL REPORT

Item 5a. FY 2023 Adopted Budget and YTD Summary -January 31, 2023

Ms. Carroll presented the financial report for the period ending January 31, 2023.

Moved by Mr. Knight to receive and file the Brownfield Redevelopment Authority financial report for period ending January 31, 2023.

Seconded by Mr. Douglas.

Yes: Knight, Douglas, Slocum and Schaar
No: None

Motion Carried

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ms. Seimer asked the board how they felt about a client bringing forth a Brownfield Plan for the Pacific Drive and Joslyn Road site. It would be a gas station, but not from the original developer. There would not be any upfront dollars, just reimbursement captured through TIF. Ms. Seimer indicated it would be a short plan, perhaps five years and then the brownfield could still capture for its Local Brownfield Revolving Fund (LBRF). The consensus among the Board is that the developer can bring a project application forward and they would consider it at a future meeting.

DIRECTOR UPDATES

None

BOARD MEMBER COMMENTS

Everyone welcomed Mr. Hopper to the board.

ADJOURNMENT

There being no objections, the Brownfield Redevelopment Authority Board of Directors meeting adjourned at 7:31 p.m.

Respectfully submitted:
Stephanie Carroll
Executive Director

March 14, 2023
Ms. Stephanie Carroll
Economic Development Manager

Subject: Environmental Summary
3681 Joslyn Road,
Auburn Hills, Michigan

The subject property, which is proposed to be developed with a new gasoline filling station and convenience store, consists of four contiguous parcels at Joslyn Road (Parcels 02-14-04-451-023, 02-14-04-451-024, 02-14-04-451-025, and 02-14-04-451-026), Auburn Hills, Oakland County, Michigan, and totals approximately 4.67-acres of land.

Previous environmental investigation activities have been conducted at the subject property that include the following:

2003 Baseline Environmental Assessment (BEA) prepared by 21st Century Resources Group, LLC (21st Century)

In October 2003, 21st Century completed a BEA for the subject property, identified as 3681 Joslyn Road, that was submitted to the State in January 2004. At the time of the BEA, the subject property was noted to be vacant with the exception of an empty residential garage; however, formerly contained a residential dwelling.

According to the BEA, Michigan Department of Transportation (MDOT) completed environmental work in November 1991 and 21st Century completed a Phase I Environmental Site Assessment (ESA) and Phase II ESA in September 2003, all conducted as a response to a reported heating oil above ground storage tank (AST) spill. It was reported that a heating oil AST was found to be leaking at the site associated with a former residential dwelling in 1991. According to 21st Century, in November 1991, MDOT conducted excavation activities for contaminated soil and collected confirmation samples for laboratory analysis. Reportedly, one water sample identified benzene, ethylbenzene, and xylenes above criteria established at that time.

Although specific information pertaining to 21st Century's Phase I ESA were not provided, in September 2003, 21st Century completed two soil borings at the subject property to address the former leaking heating oil AST and a noted western adjoining landfill. One soil sample and one groundwater sample were submitted for laboratory analysis. Metals were reportedly detected in soil below the Statewide Default Background Levels (SDBLs) for soil and below the residential drinking water standard for groundwater.

21st Century's BEA, utilizing MDOT's 1991 data, identified benzene, ethylbenzene, xylenes, arsenic, barium, cadmium, total chromium, and lead as *facility* level contamination at the subject property, despite metals being noted to be below SDBLs and established drinking water criteria. However, AKT Peerless notes that the November 1991 MDOT excavation appears to have been associated with an abandoned underground storage tank (UST) discovered beneath a utility trench box in the area of the Joslyn Road and I-75 South Bound Exit Ramp, and area considered a northern adjoining property. Further, AKT Peerless notes that 21st Century appended the four legal descriptions of the four subject property parcels to their 2003 BEA report as identifiers for

their property area, indicating that all four parcels were included in the classification of the subject property as a *facility* at that time.

2018 Phase II ESA prepared by ATC Group Services LLC (ATC)

In August 2018, ATC completed a Phase II ESA of the subject property. According to ATC's Phase II ESA Report, a Phase I ESA was completed in June 2018 that identified recognized environmental conditions (RECs) associated with (1) a former BEA filed in 2004, (2) buried concrete, odor, and discolored soils noted during a geotechnical investigation, and (3) the historical operation of the western adjoining property as a landfill.

ATC completed a geophysical survey that did not identify anomalous areas at the subject property. ATC reportedly identified volatile organic compounds (VOCs), semi-VOCs (SVOCs), polynuclear aromatic hydrocarbons (PNAs), metals, and/or methane in soil, groundwater, and/or soil gas at concentrations exceeding the Michigan department of Environment, Great Lakes, and Energy (EGLE) Part 201 Criteria and/or the Vapor Intrusion Interim Action Screening Levels (established at that time). ATC Concluded that the subject property met the definition of a *facility* as defined in Part 201 of the Natural Resources and Environmental Protection Act (NREPA).

2022 Phase I ESA prepared by AKT Peerless

AKT Peerless completed a Phase I ESA of the subject property in September 2022. At the time of the assessment, the subject property consisted of vacant vegetated (grassy and shrub) land. AKT Peerless' Phase I ESA identified the following RECs in connection with the subject property:

- In April 1991, an AST containing heating oil was found to be leaking adjacent to a former on-site residential structure located on the southeastern portion of the subject property. Heating oil was reported to have leaked within the crawl space of the former residential structure and on to off-site properties. The AST was removed from the property in 1991; however, confirmation sampling was not conducted subsequent to its removal.
- In 2003, a subsurface investigation was conducted on the subject property that identified concentrations of arsenic, barium, and chromium within on-site groundwater exceeding the EGLE Part 201 Residential Cleanup Criteria (RCC). A BEA was subsequently prepared and submitted to EGLE.
- In 2018, a subsurface investigation conducted on the subject property identified soil, groundwater, and soil gas contamination at the subject property. Concentrations of select PNAs and metals were detected within on-site soil and/or groundwater exceeding the EGLE Part 201 RCC. Further, concentrations of methane were detected within soil gas samples exceeding the EGLE Acton Level.
- In November 1991, during road construction activities, a UST was found beneath a utility trench box adjacent to Joslyn Road on the northern adjoining property. Upon its removal, groundwater verification samples collected identified concentrations of petroleum compounds exceeding the EGLE Part 201 RCC.
- The western adjoining property (3951 Joslyn Road) historically operated as a landfill from at least 1966 to 1979. The landfill was reported to have been unlined and utilized for the acceptance of industrial waste and general refuse from Pontiac Motors, Fisher

Body, and the City of Detroit. By 1987, the site was reported to be contaminated and presented the potential for offsite contamination.

2023 Supplemental Phase II ESA prepared by AKT Peerless

To further evaluate the RECs identified in AKT Peerless' September 2022 Phase I ESA and to assist with evaluation of due care obligations associated with potential future redevelopment activities, AKT Peerless completed a supplemental subsurface investigation of the subject property in February 2023.

The results of the investigation identified metals, VOCs, and PNAs in soil at concentrations exceeding EGLE Part 201 Criteria. Additionally, VOCs and PNAs were detected in soil at concentrations exceeding the EGLE September 2020 Non-Residential Volatilization to Indoor Air Pathway (VIAP) Screening Levels, and methane screening identified concentrations of methane gas above the EGLE Action Level, representing a potential vapor intrusion concern (VIC).

Based on laboratory analytical results, all four parcels of the subject property meet the definition of a *facility*, as defined in Part 201 of NREPA. AKT Peerless recommended future owner(s)/operator(s) prepare a BEA report for liability protection and comply with due care obligations.

Proposed Redevelopment

The proposed redevelopment of the site will be similar to the Speedway reviewed by Auburn Hills Planning Commission in November 2018. At that time, the Planning Commission recommended Auburn Hills City Council approved the PUD Step One – Concept Plan and PUD Step Two – Side Plan and Tree Removal Permit...subject to the conditions of the administrative review team.

The environmental conditions as described above cause a barrier to the redevelopment of this site. Due to the known contamination, the redevelopment of this property has extenuating costs that exceed the cost to redevelop a greenfield site. The Developer is seeking support of the Auburn Hills Brownfield Redevelopment Authority (AHBRA) for a Brownfield Plan to assist in the repayment of brownfield eligible activities. This Brownfield Plan and associated costs will be presented to the AHBRA at their April meeting for review and consideration of the Plan.

Should you have any questions concerning this project, please feel free to contact me at (248) 506-6216.

Sincerely,



AKT Peerless
Kyle Sayyae
Project Manager



TO: Chairman Slocum and Members of the AHBRA Board of Directors

FROM: Stephanie Carroll, AHBRA Executive Director

DATE: March 14, 2023

SUBJECT: FY 2023 Adopted Budget and YTD Summary -February 28, 2023

Attached for your review are the AHBRA financial statements for period ending February 28, 2023.

AHBRA STATEMENT OF NET POSITION

- The AHBRA has a majority of its cash invested in the following accounts:
 - AHBRA Cash - \$251,432
 - \$ 1.9 million – Insight

Note: Once we receive our reimbursement from MUSTA, the fund will reflect a more positive position.

AHBRA STATEMENT OF REVENUES AND EXPENDITURES

- Approximately 39% of budgeted tax increment revenue has been received for the AHBRA in fiscal year 2023.
 - \$72,954 – Dutton

An appropriate motion is:

Move to receive and file the Brownfield Redevelopment Authority Financial Report for period ending February 28, 2023.

BALANCE SHEET REPORT FOR CITY OF AUBURN HILLS
Balance As of 02/28/2023

GL Number	Description	YTD Balance 02/28/2023
Fund: 243 BROWNFIELD REDEVELOPMENT AUTHORITY FUND		
*** Assets ***		
243-000-001.000	CASH	251,431.79
243-000-017.002	INVESTMENT MANAGER - CUTWATER	2,227,761.43
Total Assets		2,479,193.22
*** Liabilities ***		
243-000-202.000	ACCOUNTS PAYABLE	31,885.60
243-000-251.000	ACCRUED INTEREST PAYABLE	4,869.00
243-000-275.000	DUE TO TAXPAYERS	(1,998.20)
243-000-307.001	NOTES PAYALBE	458,275.22
Total Liabilities		493,031.62
*** Fund Equity ***		
243-000-390.000	FUND BALANCE	3,264,850.04
Total Fund Equity		3,264,850.04
Total Fund 243:		
TOTAL ASSETS		2,479,193.22
BEG. FUND BALANCE - 2022		3,264,850.04
+ NET OF REVENUES/EXPENDITURES - 2022		(1,407,700.67)
+ NET OF REVENUES & EXPENDITURES		129,012.23
= ENDING FUND BALANCE		1,986,161.60
+ LIABILITIES		493,031.62
= TOTAL LIABILITIES AND FUND BALANCE		2,479,193.22

REVENUE AND EXPENDITURE REPORT FOR CITY OF AUBURN HILLS

Balance As of 02/28/2023

GL Number	Description	2023 Amended Budget	YTD Balance 02/28/2023	Activity For 02/28/2023	Available Balance 02/28/2023	% Bdgt Used
Fund: 243 BROWNFIELD REDEVELOPMENT AUTHORITY FUND						
Account Category: Revenues						
Department: 740 BROWNFIELD AUTHORITY						
243-740-402.000-DUTTONXXXXXX	AD VALOREM	184,942.00	72,954.07	67,971.98	111,987.93	39.45
243-740-402.000-FOREMOSTDEVP	AD VALOREM	70,100.00	0.00	0.00	70,100.00	0.00
243-740-414.000	MTT YE ACCRUAL	(1,000.00)	0.00	0.00	(1,000.00)	0.00
243-740-569.600	STATE REVENUE - MUSTA	250,000.00	0.00	0.00	250,000.00	0.00
243-740-573.000-DUTTONXXXXXX	LOCAL COMMUNITY STABILIZATION SHAR	11,700.00	0.00	0.00	11,700.00	0.00
243-740-665.000	INTEREST REVENUE	0.00	1,157.94	366.32	(1,157.94)	100.00
243-740-669.001	INTEREST REV EXT MANAGERS	0.00	20,310.00	0.00	(20,310.00)	100.00
Total Dept 740 - BROWNFIELD AUTHORITY		515,742.00	94,422.01	68,338.30	421,319.99	18.31
Revenues		515,742.00	94,422.01	68,338.30	421,319.99	18.31
Account Category: Expenditures						
Department: 740 BROWNFIELD AUTHORITY						
243-740-810.000	INVESTMENT MANAGEMENT FEES	4,500.00	154.84	154.84	4,345.16	3.44
243-740-817.000	CONSULTANT SERVICES	30,000.00	1,540.00	1,540.00	28,460.00	5.13
243-740-817.000-2041AUBURNRD	CONSULTANT SERVICES	75,000.00	0.00	0.00	75,000.00	0.00
243-740-817.000-3180AUBURNRD	CONSULTANT SERVICES	110,000.00	(86,160.56)	6,233.00	196,160.56	(78.33)
243-740-817.000-DUTTONXXXXXX	CONSULTANT SERVICES	160,000.00	0.00	0.00	160,000.00	0.00
243-740-817.000-GAL_CRK_EVAL	CONSULTANT SERVICES	50,000.00	1,052.50	0.00	48,947.50	2.11
243-740-957.000	MISC/CONTINGENCY	200.00	0.00	0.00	200.00	0.00
243-740-991.000-32-50MDEQBRL	BOND/LOAN PAYMENT-PRINCIPAL	48,670.00	0.00	0.00	48,670.00	0.00
243-740-994.300-32-50MDEQBRL	BOND/LOAN INTEREST	6,156.00	0.00	0.00	6,156.00	0.00
243-740-995.004	ADMINISTRATIVE CHARGES	46,139.00	46,139.00	0.00	0.00	100.00
243-740-995.007	INTERFUND SERVICES	2,684.00	2,684.00	0.00	0.00	100.00
Total Dept 740 - BROWNFIELD AUTHORITY		533,349.00	(34,590.22)	7,927.84	567,939.22	6.49
Expenditures		533,349.00	(34,590.22)	7,927.84	567,939.22	6.49
Fund 243 - BROWNFIELD REDEVELOPMENT AUTHORITY FUND:						
TOTAL REVENUES		515,742.00	94,422.01	68,338.30	421,319.99	
TOTAL EXPENDITURES		533,349.00	(34,590.22)	7,927.84	567,939.22	
NET OF REVENUES & EXPENDITURES:		(17,607.00)	129,012.23	60,410.46	(146,619.23)	



TO: Chairman Slocum and Members of the AHBRA Board of Directors

FROM: Stephanie Carroll, AHBRA Executive Director

DATE: March 14, 2023

SUBJECT: Proposal PF-32193 Brownfield Plan for 3681 Joslyn Road

Attached you will find proposal PF-32193 to prepare a Brownfield Plan for the property located at 3681 Joslyn Road. Under the eligibility activity estimates and the TIF projection, AKT will prepare a Brownfield Plan and submit the plan to the BRA. The purpose of the plan is to qualify the redevelopment project for Brownfield redevelopment financial incentives available under the Brownfield Act. AKT will provide the final TIF projections in the Brownfield Plan.

The estimated cost for complete the proposed scope of work is \$10,000.

The contract for preparing the Brownfield Plan will be with the City of Auburn Hills, and the Developer will pay the City for the cost affiliated with preparation of the Plan.

An appropriate motion is:

Move to approve PF-32193, a proposal to create a Brownfield Plan for 3681 Joslyn Road and authorize the Executive Director to execute the necessary agreements.

March 9, 2023

Stephanie Carroll
City of Auburn Hills
1827 N. Squirrel Road
Auburn Hills, MI, 48326

Subject: Proposal to Prepare a Brownfield Plan
3681 Joslyn Road
Auburn Hills, Michigan, 48326

Proposal No. PF-32193
AKT Peerless Project No. 17487s

Dear Ms. Carroll:

AKT Peerless appreciates the opportunity to present the attached proposal to prepare a Brownfield Plan for the property located at 3681 Joslyn Road, Auburn Hills, Michigan with for four associated parcels located at Joslyn Road and Pacific Drive (Parcels 02-14-04-451-023, 02-14-04-451-024, 02-14-04-451-025, and 02-14-04-451-026.

AKT Peerless' estimated cost to complete the proposed scope of work is \$10,000. For your convenience, this proposal is presented in a form that can be accepted as an agreement. To accept this proposal, please sign the signature page and return a copy to me.

If you have any questions or need additional information, please contact me at (248) 224-0305 or via email at seimers@aktpeerless.com.

Sincerely,

AKT PEERLESS



Samantha R. Seimer
VP of Economic Development

Enclosure



PROPOSAL FOR BROWNFIELD REDEVELOPMENT CONSULTING SERVICES

Brownfield Plan

3681 Joslyn Road
Auburn Hills, Michigan 48326

PREPARED FOR City of Auburn Hills
1827 N Squirrel Road
Auburn Hills, Michigan 48326

PROPOSAL # PF-32193

PROJECT # 10537B

DATE March 9, 2023

PROPOSAL FOR BROWNFIELD REDEVELOPMENT CONSULTING SERVICES

3180 Auburn Road, Auburn Hills, Michigan 48326

AKT Peerless Proposal No. PF-32193

AKT Peerless Project No. 17487s

Introduction

AKT Peerless is pleased to present the City of Auburn Hills (the “Client”) with its proposal to provide Brownfield Redevelopment Consulting Services for preparing the site located at 3681 Joslyn Road, with for four associated parcels located at Joslyn Road and Pacific Drive (Parcels 02-14-04-451-023, 02-14-04-451-024, 02-14-04-451-025, and 02-14-04-451-026.3180 Auburn Road, Auburn Hills, Michigan (the “Property”) for redevelopment.

Scope of Work

AKT Peerless’ scope of work is intended to assist the Client or another related entity with Brownfield incentives available through the state and local unit of government, pursuant to the Brownfield Redevelopment Financing Act, Public Act (“PA”) 381 of 1996, as amended (the “Brownfield Act”).

Brownfield Plan

An approved Brownfield Plan authorizes the use of tax increment revenue (“TIR”) to reimburse certain eligible activities (e.g., environmental activities, demolition, lead paint and asbestos surveys and abatement). A Brownfield Plan must be approved by the local unit of government. In addition, the Michigan Department of Environment, Great Lakes and Energy (EGLE) and/or Michigan Strategic Fund (MSF) must approve an Act 381 Work Plan in order to utilize TIR from school taxes for reimbursement. *This proposal does not include the preparation of an Act 381 Work Plan.*

Strategy Meetings and Discussions

During preparation and following submittal of the Brownfield Plan, AKT Peerless will represent the Client and engage in discussions and negotiations with governmental entities in order to optimize the Project’s Brownfield approach.

Eligible Activity Identification

AKT Peerless will identify specific eligible activities and evaluate the level of local and/or state support for reimbursement of those activities. In order to maximize reimbursement, AKT Peerless will work with the Client and the Client’s contractors to identify as many eligible activities as possible.

Tax Increment Financing (TIF) Plan: Estimates and Schedule

AKT Peerless will prepare a TIF projection for the Project. This projection will provide the Client with a preliminary assessment of estimated future annual TIR reimbursement. AKT Peerless will use the eligible activity estimates described in the previous section in the TIF projection. In addition, AKT Peerless will work with the local assessor and the Client to estimate a reasonable projected taxable value for the Project.

Brownfield Plan Preparation

Using the eligible activity estimates and the TIF projection, AKT Peerless will prepare a Brownfield Plan and submit the plan to the BRA. The purpose of the Brownfield Plan is to qualify the redevelopment project for Brownfield redevelopment financial incentives available under the Brownfield Act. AKT Peerless will include the final TIF projection in the Brownfield Plan.

An approved Brownfield Plan is necessary for the BRA to capture the available increase in property taxes that results from construction of the Project. The captured taxes may be used to reimburse development costs for approved eligible activities. Approval of a Brownfield Plan by the local unit of government authorizes TIR reimbursement from local (non-school) taxes. For full reimbursement (from both local and school taxes), state approval of an Act 381 Work Plan is generally required.

Brownfield Reimbursement Agreement

The Brownfield Act requires preparation and approval of a Brownfield reimbursement agreement detailing the terms and condition between the Client and the BRA for eligible activity reimbursement. AKT Peerless will prepare a Brownfield reimbursement agreement and submit it to the BRA and the Client for review and approval. During preparation and following submittal of this template, the Client should engage in all necessary discussions and negotiations with the BRA with the assistance of legal counsel.

Brownfield Plan Approval Process

During the approval process, AKT Peerless will attend meetings generally required for approval of the Brownfield Plan.

Fees

AKT Peerless proposes to provide the services described in this proposal on a time & materials not to exceed basis (T&M NTE Basis). AKT Peerless will progress bill against the project work outlined above on a monthly basis. **AKT Peerless' estimated cost to complete the proposed scope of work is \$10,000.** Payment will be due within 30 days on all invoices generated. Charges will be in accordance with AKT Peerless' attached professional fee schedule (Appendix B); however, the hourly rates for the tasks presented above will typically vary between \$65 and \$160.

AKT Peerless will provide its own materials, tools, and equipment. AKT Peerless expects reimbursement for any out-of-pocket expenses incurred by it in the performance of its services including copying, overnight delivery charges and, if necessary, out of town travel (and associated lodging and meals).

This proposal is valid for 30 days. After 30 days have elapsed, AKT Peerless reserves the right to alter the scope of work and estimated cost, subject to approval of the Client. Changes in the scope of work and the estimated price are dependent on potential changes in amount of available site information,

regulatory requirements, seasons, economic conditions, etc. AKT Peerless will provide an altered scope of work and the associated price estimate for approval prior to initiating project activities. Non-responsiveness to requests (written, faxed or emailed) for needed information to complete a job, as more fully described above, after 60 days of the second request (written, faxed or emailed) may, at AKT Peerless' discretion, result in a termination for which AKT Peerless will not refund any Retainer.

If the Client chooses to alter the proposed scope of work, Client shall advise AKT Peerless, and AKT Peerless shall propose alterations to the scope of work and related fees. The Client will authorize AKT Peerless in writing to conduct more or less work than defined in this proposal.

Limitations

AKT Peerless cannot guarantee approval of any requests, pre-applications, applications, incentives, grants and loans, or amendments to incentives. The Client understands that its incentive services involve incentive programs, not entitlement programs, and, as such, approval of any incentive benefit is not guaranteed. Strict compliance with the applicable incentive legislation is needed in order to even qualify for consideration by the applicable government agency. This compliance is the responsibility of the Client. Tax increment finance revenues are very dependent upon the post-development taxable value as determined through the normal property assessment process. Assumptions of post-development taxable value will be part of any tax increment finance projection with the accuracy of the projection directly related to the input and cooperation of the Client and local assessing official(s) on the post-development taxable value. The Client agrees to indemnify and hold harmless AKT Peerless from all claims, losses, expenses, fees including reasonable attorney fees, costs, and judgments that may be asserted against the Client arising out of this Agreement, or the Client's application and/or qualification for incentive programs (provided, however, this indemnity shall not apply to claims arising out of the gross negligence of AKT Peerless or its employees or agents). The Client is strongly encouraged to seek legal advice, at the Client's own expense, on all legal matters or questions that may arise regarding these incentives and to have any documents prepared by AKT Peerless for submission to any federal, state or municipal government or agency reviewed by competent legal counsel before submission. The Client is strongly encouraged to seek accounting services, at the Client's own expense, on all tax matters or questions that may arise regarding these incentives and to consult with the Client's accountant prior to submission of any tax forms. In no event shall the liability of AKT Peerless under this Agreement for any claim whatsoever exceed amounts paid by Client to AKT Peerless for the particular task giving rise to such claim. Further, in the event AKT Peerless is successful in obtaining governmental incentives for the Client, they require strict compliance after approval of same to obtain their benefits. Certain failures to comply on an ongoing basis can terminate or limit the availability of the full benefits received, require repayment or have negative tax consequences. AKT Peerless assumes no liability for post award actions of Client.

The contracting of other services necessary to perform any of the tasks described above including but not limited to architectural fees, environmental assessment fees, appraisal fees and assessor fees is the sole responsibility of the Client. The Client will be responsible for all application and processing fees required by any applicable agencies or municipalities. These fees are typically invoiced directly to the Client by the applicable agency or municipality.

AKT Peerless will provide these services using its commercially reasonable best efforts consistent with the level and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

Terms and Conditions


By signing this proposal, the Client agrees to the terms and conditions presented as Appendix A. AKT Peerless will prepare and render invoices as described above and those invoices shall be payable within thirty (30) days of invoice date, unless otherwise noted. A number of tasks identified in the scope of work under this proposal shall be complete upon receipt of final recommendations and/or determinations from the governmental agencies related to the tasks listed above except as otherwise provided.

This proposal including: descriptive material, pricing, discussion of proposed methods to be used or implemented by AKT Peerless, and related information set forth herein are confidential; these items constitute trade secrets of and are proprietary to AKT Peerless. AKT Peerless is submitting this information for informational purposes only, based on the express understanding that it will be held in strict confidence; will not be disclosed, duplicated, or used, in whole or in part, for any purpose other than the evaluation of this information; and will not, in any event, be disclosed to third parties, without prior written consent of AKT Peerless.

PROPOSAL ACCEPTANCE FOR BROWNFIELD REDEVELOPMENT CONSULTING SERVICES

Joslyn Road and Pacific Drive (Parcels 02-14-04-451-023, 02-14-04-451-024, 02-14-04-451-025, and 02-14-04-451-026), Auburn Hills, MI

This proposal submitted by:



Samantha R. Seimer
VP of Economic Development

Proposal submitted on: March 9, 2023

Please authorize the proposal by executing below:

Proposal amount: **\$10,000**

Client contact:
Ms. Stephanie Carroll
City of Auburn Hills
1827 N Squirrel Road
Auburn Hills, Michigan 4326

AKT Peerless Proposal No. PF-32193
AKT Peerless Project No. 17487s

Appendix A: Terms and Conditions
Appendix B: Professional Fee Schedule

Acceptance: _____ (Signature)
City of Auburn Hills

Print Name: _____

Title _____

Date _____

Appendix A

Terms and Conditions

Appendix B

Professional Fee Schedule

